

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JULY 12 2007

COURT OF APPEALS
DIVISION TWO

LEANDRA T.,

Appellant,

v.

ARIZONA DEPARTMENT OF
ECONOMIC SECURITY and
RIGOBERTO L.,

Appellees.

2 CA-JV 2007-0017

DEPARTMENT B

MEMORANDUM DECISION

Not for Publication

Rule 28, Rules of Civil

Appellate Procedure

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. 17456200

Honorable Terry L. Chandler, Judge

AFFIRMED

Peter G. Schmerl

Tucson
Attorney for Appellant

Terry Goddard, Arizona Attorney General
By Claudia Acosta Collings

Tucson
Attorneys for Appellee Arizona
Department of Economic Security

V Á S Q U E Z, Judge.

¶1 Leandra T. appeals from a juvenile court order terminating her parental rights to her son, Rigoberto L. She contends there was insufficient evidence to support the juvenile court’s finding the existence of three grounds for termination of her parental rights. We affirm.

¶2 “We view the facts in the light most favorable to sustaining the juvenile court’s findings.” *In re Maricopa County Juvenile Action No. JD-5312*, 178 Ariz. 372, 376, 873 P.2d 710, 714 (App. 1994). After Rigoberto’s birth in July 2004, he and Leandra resided for a time in Tucson with Rigoberto’s father. However, Leandra testified that when Rigoberto was three months old, she was evicted from the apartment they shared as a result of “criminal damage” committed by Rigoberto’s father.

¶3 Leandra’s paternal grandparents then allowed her and the baby to reside in their Phoenix-area home, and her sister cared for Rigoberto while she worked. These arrangements also soon deteriorated, and Leandra was “kicked out” of her grandparents’ home. Family members residing in Phoenix reported to Leandra’s mother that Leandra had begun leaving the baby with her sister for up to two weeks at a time, yelling at him when he was with her, and losing weight, leading her mother to conclude “it was obvious that she was on some kind of a drug.” Mounting concerns for Rigoberto’s welfare prompted the maternal grandparents to file a dependency petition in July 2005, in which they alleged Leandra had abused drugs, suffered from mental illness, and neglected and abandoned Rigoberto. By that

time, Rigoberto had been brought to Tucson by his maternal great aunt and was residing with his maternal grandparents, where he remained throughout the proceedings below.

¶4 In October 2005, the juvenile court ordered the Department to be substituted as the petitioner in the dependency action. The court adjudicated Rigoberto dependent as to Leandra the following December, when Leandra failed to appear for a settlement conference. At various times throughout the course of the dependency, Leandra was either incarcerated or her whereabouts were unknown. Eventually, she violated her probation for a felony conviction and was sentenced to 3.5 years in prison.

¶5 The Department moved for termination of Leandra's parental rights on the grounds of abandonment, neglect, length of sentence for a felony conviction, and length of time in an out-of-home placement. *See* A.R.S. § 8-533(B)(1), (2), (4), (8)(a). Following a contested severance hearing held in December 2006, the juvenile court found the Department had proved by clear and convincing evidence all but the ground of neglect. The court also found by a preponderance of evidence that termination of Leandra's parental rights was in Rigoberto's best interests, a finding Leandra has not challenged on appeal.

¶6 Leandra contends the juvenile court erred in terminating her parental rights because there was insufficient evidence to support any of the three grounds upon which the court based its ruling.¹ We will affirm unless no reasonable evidence supports the juvenile

¹Leandra claims in her opening brief to have been denied due process of law. However, she rests this claim solely on her assertion that there was insufficient evidence to support the juvenile court's finding the Department had made a diligent effort to provide her

court's factual findings or the severance order is clearly erroneous. *See Ariz. Dep't of Econ. Sec. v. Oscar O.*, 209 Ariz. 332, ¶ 4, 100 P.3d 943, 945 (App. 2004).

¶7 The juvenile court's ruling sets forth its extensive factual findings and legal reasoning in a fashion that has permitted this court and will allow any court in the future to understand its conclusions. *Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, ¶ 16, 53 P.3d 203, 207-08 (App. 2002); *State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993). We have thoroughly reviewed the record and find it amply supports the trial court's findings of fact and, in turn, its conclusions of law. "No useful purpose [being] served by this court rehashing the trial court's correct ruling," *Whipple*, 177 Ariz. at 274, 866 P.2d at 1360, we instead adopt its findings of fact, approve its conclusions of law, and affirm its order terminating Leandra's parental rights. *See Jesus M.*, 203 Ariz. 278, ¶ 16, 53 P.3d at 207-08.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

PHILIP G. ESPINOSA, Judge

J. WILLIAM BRAMMER, JR., Judge

with appropriate reunification services, a required element under § 8-533(B)(8)(a). Because reasonable evidence supports the court's order terminating her parental rights, we do not separately address her due process claim.